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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLINT EDWARDS,

Plaintiff,

-against-

Z. TROTTER; C. MAXY; S. KNOWLES;
CORRECTION OFFICER E.S.; C. BENNETT,
EBONY PINO

Defendants.

7:24-CV-2125 (NSR)

SUPPLEMENTAL ORDER OF SERVICE

NELSON S. ROMÁN, United States District Judge:

Plaintiff, who currently is incarcerated at Fishkill Correctional Facility, brings this action *pro se*. He asserts claims, under 42 U.S.C. § 1983, in connection with allegedly false disciplinary charges against him.

By order dated March 22, 2024, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.¹ As set forth below, the Court directs service on Defendant Correctional Officer Ebony Pino, whose address has been provided in a response to a *Valentin* Order dated June 14, 2024 (ECF No. 11).

DISCUSSION

A. Service on Ebony Pino

Because Plaintiff has been granted permission to proceed IFP, he is entitled to assistance from the court and the U.S. Marshals Service to effectuate service.² *Walker v. Schult*, 717 F.3d.

¹ Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed *in forma pauperis*. See 28 U.S.C. § 1915(b)(1).

² Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summons and the complaint until the Court reviewed the

119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

On July 2, 2024, Plaintiff amended his complaint adding Defendant Pino as an additional defendant. (ECF No. 12). To allow Plaintiff to effectuate service on Defendant Pino, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for this defendant. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effectuate service upon Defendant Pino.

It is Plaintiff’s responsibility to ensure that service is made within 90 days of the date the summons is issued and, if necessary, to request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012). Plaintiff also must notify the Court in writing if his address changes, and the Court may dismiss the action if he fails to do so.

CONCLUSION

The Clerk of Court is instructed to issue a summons for Defendant Pino, complete the USM-285 form with the address for this defendant, and deliver to the U.S. Marshals Service all of the documents necessary to effectuate service.

The Clerk of Court is further directed to mail a copy of this order and the Amended Complaint to: (a) *pro se* Plaintiff at the address listed on ECF and to show service on the docket, and (b) the New York State Attorney General at the following address: 28 Liberty St, New York, NY 10005. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order

complaint and ordered that a summons be issued. The Court therefore extends the time to serve until 90 days after the date the summons is issued.

would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. *Cf.* Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue)

SO ORDERED.

Dated: September 25, 2024
White Plains, New York

A handwritten signature in black ink, appearing to read 'Nelson S. Román', is written over a horizontal line.

NELSON S. ROMÁN
United States District Judge

DEFENDANT AND SERVICE ADDRESSES

1. Correction Officer Ebony Pino
Sing Sing Correctional Facility
354 Hunter Street
P.O. Box 442
Ossining, New York 10562-5442